

1                                   **OFFICE OF CONGRESSIONAL ETHICS**

2

3                                   **RULES FOR THE CONDUCT OF INVESTIGATIONS**

4

5                                   **INTRODUCTION**

6                   The Office of Congressional Ethics, established by the United States House of  
7 Representatives, is an independent, non-partisan entity charged with reviewing allegations of  
8 misconduct against Members, officers and staff of the House and, when appropriate, referring  
9 matters to the Committee on Standards of Official Conduct (commonly referred to as the Ethics  
10 Committee). These rules are adopted under the authority granted by H. Res. 895 of the 110<sup>th</sup>  
11 Congress Section 1.(c)(F).

12

## **LIST OF RULES**

- Rule 1. Jurisdiction**
- Rule 2. Board Meetings**
- Rule 3. Information for Board Consideration**
- Rule 4. Evidence**
- Rule 5. Investigator is Impartial**
- Rule 6. Cooperation with the Office**
- Rule 7. Preliminary Review**
- Rule 8. Second-Phase Review**
- Rule 9. Referrals to the Standards Committee**
- Rule 10. Period of Suspension of Referrals**
- Rule 11. Notice**
- Rule 12. Requests from the Standards Committee**
- Rule 13. Referrals to Other Entities**
- Rule 14. Counsel**
- Rule 15. No Ex Parte Communications**
- Rule 16. Alternative Procedures**
- Appendix A: Public Release of Board Referrals**
- Appendix B: False Statements Act**

## DEFINITIONS

- (1) **Board** – the Board of Directors of the Office of Congressional Ethics
- (2) **Employee** – any employee of the House
- (3) **Member** -- any Representative in, or Delegate or Resident Commissioner to, the Congress
- (4) **Office** or **OCE** – the Office of Congressional Ethics as described in H. Res. 895 of the 110<sup>th</sup> Congress; generally speaking, the Office consists of the Board of Directors and the Staff of the Office, including any detailees, consultants, contractors, special counsel or other personnel retained by the Board in any capacity
- (5) **Officer** – officers of the House are the Sergeant-at-Arms, Clerk, Chief Administrative Officer and Chaplin
- (6) **Referrals** – referrals made to the Standards Committee at the end of a second-phase review by the OCE
- (7) **Resolution** – H. Res. 895 of the 110<sup>th</sup> Congress (as amended by H.Res. 5 of the 111<sup>th</sup> Congress)
- (8) **Staff** – staff of the Office of Congressional Ethics
- (9) **Standards Committee** – the Committee on Standards of Official Conduct of the United States House of Representatives
- (10) **Subject** – the Member, officer or employee against whom an allegation is made

1   **RULE 1. JURISDICTION**

2           The Office has jurisdiction to investigate allegations that:

3                   (1) a Member, officer or employee of the House

4                   (2) on or after March 11, 2008

5                   (3) has violated a law, rule, regulation, or other standard of conduct in effect at  
6                   the time the conduct occurred and applicable to the subject in the performance  
7                   of his or her duties or the discharge of his or her responsibilities.

8   Resolution Section 1.(c)(1)(A) and (e).

9           The Board shall only review information related to allegations within the Office's  
10   jurisdiction.

11          When such information is obtained by the Office, the Staff shall determine whether the  
12   alleged conduct falls within the jurisdiction of the Board.

13          **Commentary:** In order to determine if jurisdiction exists, the Staff shall assume the facts  
14   alleged are true. This is the only time when the Staff shall make that assumption. The following  
15   is a list of some, but not all, of the substantive topics within the jurisdiction of the Office:

16                   (1) conduct related to the Code of Official Conduct adopted under House Rule

17                   XXIV

18                   (2) gifts

19                   (3) travel

20                   (4) financial disclosure

21                   (5) outside employment and income

22          In the event a Member or officer leaves office, or a staff person ends their employment  
23   relationship with the House, then the Board's jurisdiction shall cease. At that time, the Board

1 shall terminate any review and, depending on the stage, make appropriate reports to the  
2 Standards Committee.

## 4 **RULE 2. BOARD MEETINGS**

5 The Board shall meet at the call of the Chairman or two Board members. Resolution  
6 Section 1.(b)(9). The Board shall set a regular monthly meeting day. A regularly scheduled  
7 meeting need not be held when the Chairman determines there is no business to be considered.  
8 Notice for any Board meeting shall be provided at least seven days in advance. The Chairman  
9 may waive such period for good cause.

10 Four members of the Board, excluding alternates, shall constitute a quorum. The  
11 Chairman shall establish the agenda for the meetings of the Board. Any member of the Board  
12 may place additional items on the agenda. The Chairman shall preside at all meetings of the  
13 Board. In the absence of the Chairman, the Co-Chairman shall preside. Resolution Section 1.  
14 (b)(8).

15 Alternates shall participate in all board meetings and conferences but may not vote. An  
16 alternate fills a voting Board member's seat if: (1) a vacancy occurs, (2) a Board member  
17 disqualifies him or herself because of a financial conflict of interest; (3) a Board member recues  
18 him or herself because of a lack of impartiality in a particular matter; or (4) if a voting Board  
19 member is otherwise unable to participate in Board business for good cause, as determined by  
20 the Chairman.

### **RULE 3. INFORMATION FOR BOARD CONSIDERATION**

#### **(A) SUBMISSIONS**

The Office will accept and review information concerning allegations within the Office's jurisdiction. While the Office will request the name and contact information of anyone submitting information, information may be submitted anonymously or confidentially.

When making any submission, the Office suggests including the following information:

- (1) the name, address, telephone number and e-mail address, if any, of the person submitting the information, and the organization s/he is affiliated with, if any;
- (2) the full name of the subject of the allegation;
- (3) the date(s) the alleged conduct occurred;
- (4) a concise statement of facts (or, the source of the information in the event that the person submitting the information does not have first-hand knowledge of the facts);
- (5) the law, regulation or rule allegedly violated, if known;
- (6) if applicable, name(s) and contact information for any potential witness(es);
- (7) if applicable, copies of any documents related to the allegation; and
- (8) a signed declaration that the person submitting the information acknowledges that section 1001 of title 18 United States Code (popularly known as the False Statement Act) applies to the information s/he is providing. A copy of the False Statements is attached as an appendix to these rules.

If the Staff finds that the information sufficiently alleges a violation within the jurisdiction of the Board, it may spend a reasonable amount of time gathering additional information with the authorization of the Chairman and Co-Chairman. If the Staff determines it

1 is necessary to seek such information from sources other than public ones, including from  
2 potential witnesses, it shall notify the subject of the allegations that it has received the allegations  
3 and is seeking information related to the Board's consideration of a preliminary review.

4 **Commentary:** While all information shall be reviewed by the Office, submitting  
5 information does not trigger a formal investigation of any kind. The decision to begin an  
6 investigation lies solely with the Board. Submitting information to the Office does not amount to  
7 filing a formal complaint with the Office or the Standards Committee.

#### 8 **(B) SUBMISSIONS FROM STAFF OR BOARD MEMBER**

9 Staff or any Board member may submit information regarding an alleged violation for  
10 consideration by the Board. The Staff may submit information to the Board that it has received  
11 from the public, in a form other than the one described above, or that it has derived from other  
12 sources including the press, third-party sources and other sources. Resolution  
13 Section1.(c)(2)(F).

#### 14 **(C) CONSOLIDATING SUBMISSIONS**

15 The Board may consolidate two or more submissions which involve the same Member or  
16 staff person as a subject or that involve substantially the same issues.

#### 17 **(D) INFORMATION FROM A SUBJECT**

18 A subject may provide information to Office at any time during an investigation. Any  
19 information from a subject should be directed to the Staff Director and Chief Counsel, not to  
20 individual Board members.

1    **RULE 4. EVIDENCE**

2           The Office may solicit testimony from witnesses and collect relevant evidence as may be  
3 necessary to carry out its duties. Resolution Section 1.(c)(2)(D).

4           **(A) FALSE STATEMENTS WARNING**

5           All witnesses that provide information must sign a statement acknowledging their  
6 understanding that section 1001 of title 18 United States Code (popularly known as the False  
7 Statements Act) applies to their testimony and to any documents they provide. Resolution  
8 Section 1.(c)(F)(ii).

9           **(B) WITNESSES**

10          The Office may pay witnesses appearing before the Office in the same manner as  
11 prescribed by clause 5 of rule XI of the Rules of the House of Representatives.

12          **(C) IMPROPERLY OBTAINED EVIDENCE**

13          The Office shall not review any document, recording or physical evidence that was  
14 obtained in violation of any law, rule or regulation. When an individual submits evidence to the  
15 Office, s/he shall be asked to affirm to the best of their ability that the evidence was not obtained  
16 in violation of any law, rule or regulation.

17          **(D) INTERROGATORIES**

18          The Office may submit written interrogatories to a witness or subject and ask that they be  
19 answered within a reasonable amount of time.

20          **(E) PRIVILEGES**

21          The Office shall not consider evidence that is privileged under the precedents of the  
22 House of Representatives unless there is effective waiver.

1       **(F) EXCULPATORY INFORMATION**

2           Staff shall promptly provide to a subject any exculpatory information received.

3  
4       **RULE 5. INVESTIGATOR IS IMPARTIAL**

5           Office staff shall be impartial and unbiased in the conduct of an investigation and shall  
6 collect all evidence related to the allegations, whether such evidence tends to prove or disprove  
7 the allegations. In the event that a staff person has a personal or professional relationship with a  
8 subject, a subject's opponent in any election or a witness involved in an investigation, staff shall  
9 disclose that fact to the Staff Director who shall disclose it to the Board. Office staff shall notify  
10 the Staff Director and shall immediately discontinue working on an investigation in the event  
11 s/he feels s/he cannot be impartial and unbiased. If the Board believes that a staff person cannot  
12 be unbiased and impartial, the Board shall terminate that person's involvement in the matter.

13  
14       **RULE 6. COOPERATION WITH THE OFFICE**

15           The Office may request information from any source. In the event that the Office  
16 requests cooperation and it is not forthcoming, the Board may, but need not, draw a negative  
17 inference from any refusal to cooperate and may include a statement to that effect in any referral  
18 to the Standards Committee. Resolution Section 1.(c)(2)(C)(i)(II)(bb).

## **RULE 7. PRELIMINARY REVIEW**

### **(A) STANDARD OF PROOF**

The Board shall authorize a preliminary review of an allegation when it determines there is a *reasonable basis* to believe the allegation based on all the information then known to the Board. Resolution Section 1.(c)(2)(F).

**Commentary:** A *reasonable basis* to believe an allegation exists when there is a reasonable and articulable basis for believing the allegation. Such a determination does not constitute a finding that a violation has actually occurred.

### **(B) INITIAL STAFF REVIEW**

The Staff shall advise the Board when it has done reasonable initial investigation, with the authorization of the Chair and Co-Chair, either after receiving a submission or on its own initiative and then recommend that the Board either authorize a preliminary review or take no action. Resolution Section 1.(c)(2)(F). The Board may direct Staff to do additional investigation prior to reaching a decision as to whether to initiate a preliminary review.

### **(C) INITIATION**

A preliminary review shall commence within seven calendar days of a written request of two members of the Board, one of whom was appointed by the Speaker and one by the Minority Leader, stating the specific matter that is to be the subject of the preliminary review. Prior to submitting a request, Board members should notify the Chairman and Co-Chairman of their intention to do so. Notwithstanding the minimum requirement for two concurring Board members, whenever possible the full Board shall in conference consider the Board members' request to initiate a preliminary review and attempt to reach consensus on the matter. The Staff

1 shall record the date of any request for purposes of calculating applicable deadlines. Resolution  
2 Section1.(c)(1)(A) and (2)(F).

3 **Commentary:** As a preliminary review may be triggered by a *written request* of two  
4 members of the Board, such action does not require a vote by the Board and therefore, a quorum  
5 need not be present.

6 **(D) DURATION**

7 The Office shall complete all preliminary reviews within 30 calendar days (hereafter  
8 referred to as the “preliminary review time period”).

9 **(E) PRELIMINARY REVIEW REPORT**

10 Before the preliminary review time period expires, the Staff shall submit a preliminary  
11 review report to the Board. The report shall recommend either that the Board take no action or  
12 that the Board initiate a second-phase review.

13 **(F) TERMINATION**

14 Four members of the Board may vote to terminate a preliminary review at any time  
15 before the end of the preliminary review time period. Resolution Section1.(c)(1)(C). The Board  
16 may do so for any reason, including that the matter under review is de minimis in nature.  
17 Resolution Section1.(c)(2)(F)(i)(I). If the Board takes no further action on a matter by the end of  
18 the preliminary review time period, the preliminary review terminates. Resolution  
19 Section1.(c)(1)(C). In that event, the Board may send a report and any findings to the Standards  
20 Committee.

1     **RULE 8. SECOND-PHASE REVIEW**

2             **(A) STANDARD OF PROOF**

3             The Board shall authorize a second-phase review of an allegation if it finds *probable*  
4     *cause* to believe the alleged violation occurred based on all the information then known to the  
5     Board.

6             **Commentary:** *Probable cause* exists if the evidence is sufficient to lead a person of  
7     ordinary caution and prudence to believe or entertain a strong suspicion that a Member, officer or  
8     employee committed a violation. A finding of probable cause does not constitute a finding that a  
9     violation has actually occurred.

10            **(B) INITIATION**

11            Three members of the Board convened with a quorum may vote to initiate a second-phase  
12     review. Resolution Section1.(c)(1)(C).

13            **(C) DURATION**

14            The Office shall complete a second-phase review within 45 calendar days after the Board  
15     commences such review (hereafter referred to as “second-phase review time period”).  
16     Resolution Section1.(c)(2)(A)(i). The Board may extend the second-phase review by an  
17     additional 14 calendar days upon an affirmative vote of a majority of its members. Resolution  
18     Section1.(c)(2)(A)(ii).

19            **(D) SECOND-PHASE REVIEW REPORT**

20            At the conclusion of the second-phase review time period, the Staff shall submit to the  
21     Board a second-phase report recommending that the Board forward the matter to the Standards  
22     Committee either for further action or for dismissal.

1       **(E) TERMINATION**

2           At any time prior to the end of a second-phase review, four members of the Board may  
3       vote to terminate the review. When that occurs, the Board shall follow the referral procedure  
4       outlined in Rule 9 and shall make the appropriate report to the Standards Committee.

5  
6       **RULE 9. REFERRALS TO THE STANDARDS COMMITTEE**

7       **(A) STANDARD OF PROOF**

8           The Board shall refer a matter to the Standard Committee for further review if it  
9       determines there is a *substantial reason* to believe the allegations based on all the information  
10      then known to the Board. However, in the event the Office is unable to obtain information  
11      necessary to reach that determination, but the Board does determine there is *probable cause* to  
12      believe the allegations, the Board may refer the matter to the Standards Committee for further  
13      review.

14           **Commentary.** A *substantial reason* to believe exists where there is such relevant  
15      evidence a reasonable mind might accept as adequate to support a conclusion. A finding that  
16      there is a substantial reason to believe the allegations does not constitute a finding that a  
17      violation has actually occurred.

18       **(B) STATEMENT FROM SUBJECT**

19           Before the Board votes on a recommendation or statement to be transmitted to the  
20      Standards Committee at the end of a second-phase review, it shall provide the subject the  
21      opportunity to present a statement to the Board. Resolution Section1.(f)(3).

1       **(C) SECOND-PHASE REVIEW REPORT**

2           At the end of a second-phase review, the Board shall adopt, by a vote of no less than four  
3 members, a report to the Standards Committee recommending either that the Standards  
4 Committee give the matter further review or that it dismiss the matter. In the event that four  
5 Board members do not support either further review or dismissal, the Board shall report to the  
6 Standards Committee that the matter is unresolved. The report shall state the votes in the  
7 affirmative and in the negative and the nature of the alleged violation and the individual who is  
8 the subject. The report may also include findings and supporting documentation as described  
9 below. Resolution Section 1.(c)(2)(C)(i)(I).

10           **Commentary:** the Board's vote and adoption of a report shall occur, as soon as  
11 practicable, after the end of the second-phase review period.

12       **(D) FINDINGS**

13           The Board's report may include findings composed solely of the following:

- 14           (1) Any findings of fact;
- 15           (2) A description of any relevant information that it was unable to obtain or  
16           witnesses whom it was unable to interview, and the reasons therefor;
- 17           (3) A recommendation for issuance of subpoenas where appropriate; and
- 18           (4) A citation of any relevant law, rule, regulation, or standard of conduct.

19           Resolution Section 1.(c)(2)(C)(i)(I).

20       **(E) SUPPORTING DOCUMENTATION**

21           The Board may submit to the Standards Committee any supporting documentation.  
22           Resolution Section 1.(c)(2)(C)(i)(II).

1       **(F) PRESENTATION OF REPORTS TO STANDARDS COMMITTEE**

2       In transmitting any report to the Standards Committee, the Board shall designate a member of the  
3       Board or staff to present the report if the Standards Committee requests.

4  
5       **RULE 10. PERIOD OF SUSPENSION OF REFERRALS**

6       The Board shall not transmit any referrals to the Standards Committee within 60 days  
7       before a Federal, State, or local election in which the subject of the referral is a candidate. If the  
8       end of the second-phase review occurs within this suspension period, the Board shall complete  
9       its work on the referral and transmit it to the Standards Committee on the first business day  
10      following the election. Clause 3(b)(8)(D) of Rule XI of the Rules of the House.

11  
12      **RULE 11. NOTICE**

13      **(A) INITIATION OF A PRELIMINARY REVIEW**

14      The Office shall notify the Standards Committee and the subject of any preliminary  
15      review initiated by the Board and shall provide the subject with a statement of the nature of the  
16      review. Resolution Section 1.(c)(1)(A)(i)-(ii).

17      **(B) TERMINATION OF A PRELIMINARY REVIEW**

18      The Office shall notify the Standards Committee and the subject of any decision by the  
19      Board to terminate a preliminary review or if a review terminates because the Board takes no  
20      further action. Resolution Section 1.(c)(1)(C).

21      **(C) INITIATION OF A SECOND-PHASE REVIEW**

22      The Office shall notify the Standards Committee and the subject of any second-phase  
23      review initiated by the Board. Resolution Section 1.(c)(1)(C).

1       **(D) REFERRAL TO THE STANDARDS COMMITTEE**

2           The Office shall provide to the subject a copy of the report it transmits to the Standards  
3   Committee recommending further review, dismissal or reporting that the matter is unresolved.  
4   Resolution Section1.(c)(2)(C)(ii).

5  
6       **RULE 12. REQUESTS FROM THE STANDARDS COMMITTEE**

7       **(A) REQUESTS FROM STANDARDS COMMITTEE**

8           Upon receipt of a written request from the Standards Committee that the Board cease its  
9   review and refer the matter to the Committee because of an ongoing investigation of such matter  
10   by an investigatory subcommittee of the Standards Committee, the Board shall refer such matter  
11   to the Committee and cease its preliminary or second-phase review, as applicable and so notify  
12   the subject. The Board shall send a written report to the Committee containing a statement that,  
13   upon the request of the Committee, the matter is referred for its consideration, but shall not  
14   include any findings. Resolution Section1.(d)(1).

15       **(B) MATTERS UNRESOLVED BY THE STANDARDS COMMITTEE**

16           If the Standards Committee notifies the Board in writing that it is unable to resolve any  
17   matter it had previously asked the Board to stop reviewing, the Board shall immediately begin or  
18   continue, as the case may be, a second-phase review of the matter. Resolution Section1.(d)(2).

19       **(C) BOARD DUE DILIGENCE**

20           In a case when the Standards Committee asks the Board to cease review of a matter under  
21   this Rule, the Board shall inquire at regular intervals to determine if the Standards Committee  
22   has been [un]able to resolve the matter.

1     **RULE 13. REFERRALS TO OTHER ENTITIES**

2     **(A) REFERRALS TO THE OFFICE OF COMPLIANCE**

3             The Board may refer allegations related to the following laws to the Office of  
4     Compliance:

- 5             (1) The Age Discrimination in Employment Act of 1967
- 6             (2) The Americans with Disabilities Act of 1990
- 7             (3) Title VII of the Civil Rights Act of 1964
- 8             (4) The Employee Polygraph Protection Act of 1988
- 9             (5) The Fair Labor Standards Act of 1938
- 10            (6) The Family and Medical Leave Act of 1993
- 11            (7) The Federal Service Labor-Management Relations Statute
- 12            (8) Occupational Safety and Health Act of 1970
- 13            (9) The Rehabilitation Act of 1973
- 14            (10)       Veterans' employment and reemployment rights at Chapter 43 of Title 38
- 15                of the U.S. Code
- 16            (11)       The Worker Adjustment and Retraining Notification Act

17    **(B) REFERRALS TO THE HOUSE OFFICE OF INSPECTOR GENERAL**

18            The Board may refer allegations of fraud, waste and abuse in the operations of the House  
19    or joint entities of Congress to the House Office of Inspector General for investigation under  
20    clause 6 (c)(1) of Rule II of the House.

21    **(C) REFERRALS TO THE HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS**

22            The Board may refer allegations relating to the proper use of the franking privilege to the  
23    House Commission on Congressional Mailing Standards.

1    **(D) STATE AND FEDERAL AUTHORITIES**

2           The Staff, in consultation with the Chairman and Co-Chairman, may refer information to  
3   state and federal authorities in the event that information indicates imminent harm or a threat to  
4   public safety.

5  
6    **RULE 14. COUNSEL**

7           If a subject or witness is known to be represented by a lawyer, all communication to the  
8   subject or witness shall be made through the subject's or witness' lawyer. The subject or witness  
9   must notify the Office if they are represented.

10  
11   **RULE 15. NO EX PARTE COMMUNICATIONS**

12           There shall be no ex parte communication between any member of the Board and any  
13   subject or between any member of the Board and any interested party. No Member, officer or  
14   employee, of the House may communicate with any member of the Board regarding any matter  
15   under review by the Board except as authorized by the Board. Resolution Section 1.(c)(2)(F)(iii).  
16   In the event a Board member inadvertently receives ex parte communications or after a  
17   communication is made becomes aware that they have received ex parte communications, they  
18   shall notify the Chair and Co-Chair who in turn shall inform the Board.

19  
20   **RULE 16. ALTERNATIVE PROCEDURES**

21           Upon a finding during a Board meeting that the just and expeditious determination of a  
22   matter requires simplification, alteration, or non-application of any or all of these rules, or the  
23   adoption of supplemental procedures, four members of the Board may vote to utilize such

1 alternative procedures as are reasonable and necessary and consistent with the relevant law and  
2 which do not jeopardize the rights of a subject. In the event the Board adopts alternative  
3 procedures, the subject and other relevant persons, as determined by the Board, shall be  
4 furnished with copies of these procedures.

5 **Commentary:** For example, in a matter involving classified information alternate  
6 procedures would need to be adopted to ensure proper handling of such information.

7

1 **APPENDIX A**

2 **PUBLIC RELEASE OF BOARD REFERRALS**

3 [excerpted from H. Res. 895 of the 110<sup>th</sup> Congress (as amended by H.Res. 5 of the 111<sup>th</sup>  
4 Congress) Section 3]

5  
6 **(A) General Timeframe for Release and Delayed Release**

7  
8 Except as provided by clause 3 (b) of Rule XI of the U.S. House of Representatives subdivisions  
9 (B), (C), and (D), not later than 45 calendar days or 5 legislative days, whichever is later, after  
10 receipt of a written report and any findings and supporting documentation regarding a referral  
11 from the board of the Office of Congressional Ethics, the chairman of the Committee on  
12 Standards of Official Conduct shall make public the written report and findings of the board  
13 unless the chairman and ranking member, acting jointly, decide or the committee votes to  
14 withhold such information for not more than one additional period of the same duration, in which  
15 case the chairman shall--

16  
17 (i) upon the termination of such additional period, make public the written report and  
18 findings; and

19  
20 (ii) upon the day of such decision or vote, make a public statement that the committee has  
21 voted to extend the matter relating to the referral made by the board of the Office of  
22 Congressional Ethics regarding the Member, officer, or employee of the House who is the  
23 subject of the applicable referral.

1  
2 At least one calendar day before the committee makes public any written report and findings of  
3 the board, the chairman shall notify such board and the applicable Member, officer, or employee  
4 of that fact and transmit to such individual a copy of the statement on the committee's disposition  
5 of, and any committee report on, the matter.  
6

7 **(B) Timeframe for Release When Committee on Standards of Official Conduct Votes to**  
8 **Dismiss a Board Referral**  
9

10 (i) Notwithstanding clause 3 (b) of Rule XI of the U. S. House of Representatives  
11 subdivision (A)(i), if the committee votes to dismiss a matter which is the subject of a referral  
12 from the board of the Office of Congressional Ethics, the committee is not required to make  
13 public the written report and findings described in such subdivision unless the committee's vote  
14 is inconsistent with the recommendation of the board. For purposes of the previous sentence, a  
15 vote by the committee to dismiss a matter is not inconsistent with a report from the board  
16 respecting the matter as unresolved due to a tie vote.  
17

18 (ii) Notwithstanding clause 3 (b) of Rule XI of the U.S. House of Representatives  
19 subdivision (A)(ii), if the board transmits a report respecting any matter with a recommendation  
20 to dismiss or as unresolved due to a tie vote, and the committee votes to extend the matter for an  
21 additional period as provided in subdivision (A), the SOOC is not required to make a public  
22 statement that the committee has voted to extend the matter.  
23

1 (iii) Except as provided by clause 3 (b) of Rule XI of the U.S. House of Representatives  
2 subdivision (E), if the committee establishes an investigative subcommittee respecting any such  
3 matter, then the report and findings of the board shall not be made public until the conclusion of  
4 the investigative subcommittee process and the committee shall issue a public statement of the  
5 establishment of an investigative subcommittee, which statement shall include the name of the  
6 applicable Member, officer, or employee, and shall set forth the alleged violation. If any such  
7 investigative subcommittee does not conclude its review within one year after the board  
8 transmits a report respecting any matter, then the committee shall make public the report and  
9 upon the expiration of the Congress in which the report is made public, the committee shall make  
10 public any findings.

11  
12 **(C) Timeframe for Release When Law Enforcement Requests Committee on Standards**  
13 **of Official Conduct Defer Action**  
14

15 (i) If, after receipt of a written report and any findings and supporting documentation  
16 regarding a referral from the board of the Office of Congressional Ethics or of a referral of the  
17 matter from the board pursuant to a request under paragraph (r) of Clause 3 of Rule XI of the  
18 Rules of the U.S. House of Representatives, the SOOC agrees to a request from an appropriate  
19 law enforcement or regulatory authority to defer taking action on the matter--  
20

21 (I) notwithstanding subdivision (A)(i), of clause 3 of Rule XI of the Rules of the U.S.  
22 House of Representatives the SOCC is not required to make public the written report and  
23 findings described in such subdivision, except that if the recommendation of the board with

1 respect to the report is that the matter requires further review, the committee shall make  
2 public the written report but not the findings; and  
3

4 (II) before the end of the first day (excluding Saturdays, Sundays, and public  
5 holidays) after the day that the committee agrees to the request, the committee shall make a  
6 public statement that it is deferring taking action on the matter at the request of such  
7 authority.  
8

9 (ii) If, upon the expiration of the one-year period that begins on the date the committee  
10 makes the public statement described in Section 1.(c)(2)(C) (i)(II) of H. Res. 895 of the 110<sup>th</sup>  
11 Congress, the SOOC has not acted on the matter, the committee shall make a new public  
12 statement that it is still deferring taking action on the matter, and shall make a new statement  
13 upon the expiration of each succeeding one-year period during which the committee has not  
14 acted on the matter.  
15

#### 16 **(D) Receipt of Referrals During Campaigns** 17

18 The committee may not receive any referral from the board of the Office of Congressional Ethics  
19 within 60 days before a Federal, State, or local election in which the subject of the referral is a  
20 candidate. The committee may delay any reporting requirement under this subparagraph that  
21 falls within that 60-day period until the end of such period and in that case, for purposes of  
22 subdivision (A), days within the 60-day period shall not be counted.  
23

1       **(E) Release of Referrals When Committee on Standards of Official Conduct Ties**

2

3    If, at the close of any applicable period for a reporting requirement under this subparagraph with

4    respect to a referral from the board of the Office of Congressional Ethics, the vote of the

5    committee is a tie or the committee fails to act, the report and the findings of the board shall be

6    made public by the committee, along with a public statement by the chairman explaining the

7    status of the matter.

8

1 **APPENDIX B**

2 **FALSE STATEMENTS ACT**

3 From the U.S. Code Online via GPO Access

4 [www.gpoaccess.gov]

5 [Laws in effect as of January 3, 2007]

6 [CITE: 18USC1001]

7  
8 **TITLE 18--CRIMES AND CRIMINAL PROCEDURE**

9 **PART I--CRIMES**

10 **CHAPTER 47--FRAUD AND FALSE STATEMENTS**

11  
12 **Sec. 1001. Statements or entries generally**

13  
14 (a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction  
15 of the executive, legislative, or judicial branch of the Government of the United States,  
16 knowingly and  
17 willfully--

18 (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

19 (2) makes any materially false, fictitious, or fraudulent statement or representation; or

20 (3) makes or uses any false writing or document knowing the same to contain any  
21 materially false, fictitious, or fraudulent statement or entry;

22 shall be fined under this title, imprisoned not more than 5 years or, if the offense involves

23 international or domestic terrorism (as defined in section 2331), imprisoned not more than 8

1 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or  
2 section 1591, then the term of imprisonment imposed under this section shall be  
3 not more than 8 years.

4 (b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for  
5 statements, representations, writings or documents submitted by such party or counsel to a judge  
6 or magistrate in that proceeding.

7 (c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a)  
8 shall apply only to--

9 (1) administrative matters, including a claim for payment, a matter related to the  
10 procurement of property or services, personnel or employment practices, or support services, or a  
11 document required by law, rule, or regulation to be submitted to the Congress or any office or  
12 officer within the legislative branch; or

13 (2) any investigation or review, conducted pursuant to the authority of any committee,  
14 subcommittee, commission or office of the Congress, consistent with applicable rules of the  
15 House or Senate.

16  
17 (June 25, 1948, ch. 645, 62 Stat. 749; Pub. L. 103-322, title XXXIII, Sec. 330016(1)(L), Sept.  
18 13, 1994, 108 Stat. 2147; Pub. L. 104-292, Sec. 2, Oct. 11, 1996, 110 Stat. 3459; Pub. L. 108-  
19 458, title VI, Sec. 6703(a), Dec. 17, 2004, 118 Stat. 3766; Pub. L. 109-248, title I, Sec. 141(c),  
20 July 27, 2006, 120 Stat. 603.)

21  
22 Last updated: >December 23, 2008